



08/30/04

EXPRESS MAIL NO.: EV 346 811 595 US

1FW  
S

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEST AVAILABLE COPY

In re Application of: Michael ELLIS et al.

Confirmation No.: 8278

Application No.: 10/645,928

Group Art Unit: 2855

Based on: PCT/US02/05039

Filing Date: August 20, 2003

Examiner: Not Yet Assigned

For: ENHANCED RADIO SYSTEMS AND  
METHODS

Atty. Docket No.: 81788-4200

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO MAKE SPECIAL**  
**UNDER 37 CFR § 1.102(d) AND MPEP § 708.02 VIII**

Dear Sir:

Applicants hereby petition the Commissioner to grant special status to the present application pursuant to 37 C.F.R. § 1.102(d) and MPEP § 708.02 VIII. Applicants consider special status to be merited in part because the U.S. Patent and Trademark Office, acting in its capacity as International Examination Authority, reviewed all of the claims of the present application during PCT prosecution of the parent international application and concluded that those claims demonstrated unity of invention, novelty, inventive step, and industrial applicability.

**REMARKS**

Pursuant to MPEP § 708.02 VIII (A), Applicants' Attorney authorizes the Examiner to charge the petition fee set forth in 37 CFR § 1.17(h) to Winston & Strawn Deposit Account No. 50-1814, Reference No. 81788-4200.

Pursuant to MPEP § 708.02 VIII (B), Applicants state that they believe that all of the claims of the present application are directed to a single invention. As support for their belief, Applicants note that the claims of the parent international application have been found to demonstrate unity of invention. Applicants further state that they will make an election without traverse as a prerequisite to the grant of special status, should the Office determine that all of the claims are not directed to a single invention.

Pursuant to MPEP § 708.02 VIII (C), Applicants state that the present application is a continuation under 35 USC § 120 and 37 CFR § 1.111(b) of International Patent Application Serial No. PCT/US02/05039 (hereinafter referred to as “parent international application”). The parent international application received an International Search Report from the International Searching Authority on January 20, 2003. The classes searched include IPC7 H04H and the databases searched include EPO-Internal, WPI Data, and PAJ. Applicants attach a copy of the International Search Report hereto as Exhibit A.

The searched claims of the parent international application are substantially similar to those of the present application. As such, the search by the International Searching Authority encompasses the same subject matter as the claims of the present application.

Pursuant to MPEP § 708.02 VIII (D), Applicants identify below the references that they believe to be most closely related to the subject matter encompassed by the claims. These references include all of the references that were cited in the International Search Report, the Written Opinion, and the International Preliminary Examination Report of the parent international application. These references are already of record. Applicants attach a copy of the Written Opinion and the International Preliminary Examination Report hereto as Exhibits B and C.

1. U.S. Patent No. 6,134,426 to Völkel
2. U.S. Patent No. 6,088,455 to Logan
3. U.S. Patent No. 5,119,507 to Mankovitz
4. U.S. Patent No. 4,682,370 to Matthews
5. Int'l Publ'n No. WO 00/45511 to Kwoh

Applicants' identification of the foregoing references does not constitute an admission that these references are prior art under U.S. law or an admission that these references are the best available prior art under U.S. law. Applicants reserve the right to take appropriate action to establish the patentability of the claims of the present application over these references.

Pursuant to MPEP § 708.02 VIII (E), Applicants state the following with respect to the above references with the particularity required by 37 C.F.R. §§ 1.111(b) and (c).

¶ 1. During PCT prosecution of the parent international application, the U.S. Patent and Trademark Office was the International Preliminary Examination Authority. Acting in that capacity, the Office granted a favorable International Preliminary Examination Report to

the parent international application. Applicants attach a copy of the claims examined in the parent international application as Exhibit D.

¶ 2. All of the claims of the present application are identical to those examined in the parent international application. The Office has, therefore, already determined that the claims of the present application demonstrate unity of invention, novelty, inventive step, and industrial applicability.

¶ 3. Applicants' claims are directed to apparatuses, methods, and systems for processing multiple radio signals simultaneously. All of Applicants claims' include features directed to continuously receiving separate and unrelated radio signals with two radio receivers and simultaneously storing the thusly received radio signals in a buffer for later output by selection of a user.

¶ 4. Völkel describes a radio receiver that includes a receiver stage, an evaluation stage, a memory stage, an operating element, a display element, and a control unit. (Völkel abstract.) Vokel stores information about radio stations in a database contained in the memory stage. (Völkel, col. 5, ll. 34-53). The database is used to later call a particular radio station to receive radio signals broadcast by that station. (Völkel, col. 5, ll. 54-58.) Völkel explains that the radio station information is determined through the use of the receiver stage. (Völkel, col. 5, ll. 34-58.) Völkel explains that the control unit has to coordinate the radio receiver (i.e., a single tuner) to update radio station information and continuously reproduce radio signals for a user when desired. (Völkel, col. 5, ll. 34-58.) In an alternative embodiment mentioned in the last paragraph of the Völkel, a second receiver is introduced. In connection therewith, Völkel explains that “[i]f updating the database in memory stage 10 takes place via such an auxiliary receiver stage 16, which is controlled by the control unit 7, a simplification of the functional steps to be carried out by the control unit 7 is achieved, however, higher manufacturing costs must be accepted.” This suggested arrangement does not show simultaneous storing of the radio signals. In this arrangement, a second receiver is added to simplify the operation of control unit 7 by dedicating one receiver to updating the database and another receiver to reproducing radio signal for the user. As such, the radio signals received by one of the receivers, specifically the receiver that is dedicated to reproducing radio signals, are not shown to be stored in memory because such functionality would overlap with the updating operation associated with the other radio receiver. Not only does Völkel not show the simultaneous storing of radio signals, Völkel teaches away from the simultaneous storing of radio signals. Völkel states that the addition of the second receiver

results in higher manufacturing costs and suggests that only one receiver should be used in the process of storing information to memory in order to simplify the operation of the system.

¶ 5. Logan describes a system that can selectively reproduce segments of broadcast programming desired by a user. (Logan abstract). Logan stores an identification signal for the broadcast programming that is desired by the user, receives a broadcast programming signal, compares the received broadcast programming signal to the stored identification signal, records the received broadcast programming signal if a match is detected, and reproduces the stored broadcast programming signal in response to a request from the user. (Logan abstract, col. 2, ll. 23-38, and claim 1.) Logan uses a single receiver to receive broadcast programming signals. As such, Logan can receive only a single broadcast programming signal at a time. Logan cannot, therefore, continuously receive separate and unrelated radio signals and simultaneously store those signals in a buffer for later selection by the user.

¶ 6. Mankovitz describes a receiver that receives broadcast audio program selections and broadcast text messages that correspond to the selections. (Mankovitz abstract.) The broadcast text messages can include the selections' titles, artists, and/or other identifying information. The receiver is configured such that, when it plays an audio selection, it also displays the text message corresponding thereto, so that a listener can identify the title, artist, etc. of the audio selection being played. (Mankovitz col. 1, l. 47 to col. 2, l. 10.) Mankovitz can store the text messages and portions of the associated audio selections for later selection by the user. (Mankovitz col. 12, ll. 15-45.) Since Mankovitz uses a single receiver to receive the audio selections, however, Mankovitz can receive only one audio selection at a time. Mankovitz cannot, therefore, continuously receive separate and unrelated radio signals and simultaneously store those signals in a buffer for later selection by the user.

¶ 7. Matthews describes a system that can play desired audio segments to a listener whenever those segments are broadcast by a station. (Matthews abstract.) Matthews stores a representation of the desired audio segment, scans audio programs being broadcast by a plurality of different broadcast stations, generates representations of the scanned audio programs, compares the representations of the scanned audio programs to the representation of the desired audio segment, and, if a match is detected, plays the remaining portion of the matching audio program to the listener. (Matthews col. 1, l. 51 to col. 2, l. 22.) Matthews uses a single receiver to scan the audio programs being broadcast. As such, Matthews can receive only one audio program at a time. Matthews cannot, therefore, continuously receive

separate and unrelated radio signals and simultaneously store those signals in a buffer for later selection by the user.

¶ 8. Kwoh describes a system that can provide users with personalized news, entertainment, and traffic information. (Kwoh abstract and FIG. 21a). In Kwoh's system, a user instructs an on-demand radio (ODR) unit to record a program that will be broadcast by a radio station at a broadcast time. (Kwoh p. 22, ll. 8-24.) At the broadcast time, the ODR unit tunes a receiver to the radio station frequency, receives and digitizes the broadcast program, and stores the digitized program in memory for later selection by the user. (Kwoh p. 22, ll. 24-29.) Kwoh's ODR unit includes a single receiver. As such, Kwoh can tune only one radio station at a time. Kwoh cannot, therefore, continuously receive radio signals from unrelated radio sources and simultaneously store those signals for later selection by the user.

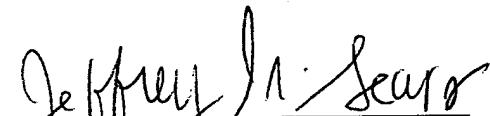
¶ 9. None of the above references, whether considered separately or in combination, teaches or suggests all of the features of Applicants' claims. Specifically, none of the above references teaches or suggests at least the feature of Applicants' claims directed to simultaneously storing separate and unrelated radio signals received by at least two radio receivers for later output by selection of a user.

## CONCLUSION

Since the U.S. Patent and Trademark Office reviewed all of the claims of the present application during PCT prosecution of the parent international application and concluded that those claims demonstrated unity of invention, novelty, inventive step, and industrial applicability, and since this Petition otherwise complies with the procedure for requesting accelerated examination pursuant to 37 CFR § 1.102(d) and MPEP § 708.02 VIII, Applicants request that the Commissioner grant special status to the present application.

Applicants do not intend for this Petition to displace the Office's obligation to search and examine the present application. Indeed, Applicants specifically request that the Office not rely solely on this Petition to discharge its obligation to search and examine the present application. Moreover, Applicants specifically request that the Office conduct a thorough review of the documents supporting this Petition and form an independent opinion as to their significance.

Respectfully submitted,

  
Jeffrey M. Sears (Reg. No. 48,440),  
for Allan A. Fanucci (Reg. No. 30,256)

**WINSTON & STRAWN LLP**  
**CUSTOMER NO. 28765**

Enclosures

(212) 294-2603

NY:875447.2



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael ELLIS et al.

Confirmation No.: 8278

Application No.: 10/645,928

Group Art Unit: 2855

Based on: PCT/US02/05039

Filing Date: August 20, 2003

Examiner: Not Yet Assigned

For: ENHANCED RADIO SYSTEMS AND  
METHODS

Atty. Docket No.: 81788-4200

**PETITION FEE TRANSMITTAL**

Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Applicant estimates the fee for filing the Petition accompanying this paper to be \$130.00 pursuant to 37 C.F.R. § 1.17(h).

Applicant authorizes the Commissioner to charge the \$130.00 fee and any additional fees and/or credit any overpayments associated with this paper to Winston & Strawn Deposit Account No. 50-1814, Ref. No. 81788-4200. Further, if a fee is required for an extension of time under 37 C.F.R. § 1.136 not provided for above, Applicant requests such extension and authorizes the charging of the extension fee to Winston & Strawn Deposit Account No. 50-1814, Ref. No. 81788-4200.

Respectfully submitted,

\_\_\_\_\_  
 Jeffrey M. Sears (Reg. No. 48,440),  
 for Allan A. Ranucci (Reg. No. 30,256)

**WINSTON & STRAWN LLP**  
**CUSTOMER NO. 28765**

Enclosures

(212) 294-2603

## PATENT COOPERATION TREATY

PCT

EXHIBIT A

From the INTERNATIONAL SEARCHING AUTHORITY

To:

PATENT LAW OFFICES OF RICK MARTIN,  
 PC  
 Attn. Rick, Martin  
 416 Coffman street  
 Longmont, CO-80501  
 UNITED STATES OF AMERICA

NOTIFICATION OF TRANSMITTAL OF  
 THE INTERNATIONAL SEARCH REPORT  
 OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing  
 (day/month/year) 04/02/2003

Applicant's or agent's file reference

RM540a

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.

PCT/US 02/05039

International filing date

(day/month/year) 20/02/2002

Applicant

ELLIS, Caron S.

1.  The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

**Where?** Directly to the International Bureau of WIPO  
 34, chemin des Colombettes  
 1211 Geneva 20, Switzerland  
 Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2.  The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3.  With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority

European Patent Office, P.B. 5818 Patenttaan 2  
 NL-2280 HV Rijswijk  
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
 Fax: (+31-70) 340-3016

Authorized officer

Hans Pettersson

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

**When?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been filed, see below.

**How?** Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

#### What documents must/may accompany the amendments?

Letter (Section 205(b));

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]: "Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]: "Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]: "Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or "Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]: "Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Office, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>RM540a</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/US 02/05039</b>	International filing date (day/month/year) <b>20/02/2002</b>	(Earliest) Priority Date (day/month/year) <b>20/02/2001</b>
Applicant <b>ELLIS, Caron S.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.  
 It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:

contained in the international application in written form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2.  Certain claims were found unsearchable (See Box I).

3.  Unity of invention is lacking (see Box II).

## 4. With regard to the title,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

## 5. With regard to the abstract,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. 1

as suggested by the applicant.

because the applicant failed to suggest a figure.

because this figure better characterizes the invention.

None of the figures.

## INTERNATIONAL SEARCH REPORT

International Application No  
PCT/US 02/05039A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 H04B1/20 H04B1/38 H04H1/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 H04H

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 00 45511 A (KWOH DANIEL S ; TSO KEVIN (US); LI KENNETH (US)) 3 August 2000 (2000-08-03) abstract page 3, line 24 -page 4, line 35 page 23, line 14 - line 17 page 26, line 7 - line 10 ----- -/-	1-58

 Further documents are listed in the continuation of box C. Patent family members are listed in annex.

## \* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*8\* document member of the same patent family

Date of the actual completion of the international search

20 January 2003

Date of mailing of the international search report

04/02/2003

Name and mailing address of the ISA  
European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Martinez Martinez, V

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 02/05039

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6 088 455 A (GOLDHOR RICHARD S ET AL) 11 July 2000 (2000-07-11)  abstract column 5, line 12 - line 22 column 10, line 20 - line 29 column 11, line 57 - line 64 column 14, line 4 - line 15 page 27, line 33 -page 28, line 19 page 33, line 21 - line 31 ----	1-11, 20, 21, 27, 28, 30-45, 50, 51, 53-58
A	GB 2 313 216 A (MOTOROLA LTD) 19 November 1997 (1997-11-19) abstract page 2, line 21 - line 27 page 3, line 21 -page 5, line 11 ----	1-58
A	JIM LOUDERBACK: "Improve your commute with Audio on Demand" ZDTV, 'Online' 10 November 1999 (1999-11-10), XP002227860 Retrieved from the Internet: <URL: <a href="http://www.zdnet.com/anchordesk/story/story_4066.html">http://www.zdnet.com/anchordesk/story/story_4066.html</a> > 'retrieved on 2003-01-20! abstract -----	1-58

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 02/05039

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
WO 0045511	A	03-08-2000	AU WO	2744000 A 0045511 A1	18-08-2000 03-08-2000	
US 6088455	A	11-07-2000	AU WO	5777698 A 9831113 A2	03-08-1998 16-07-1998	
GB 2313216	A	19-11-1997	AU WO	2957897 A 9744746 A1	09-12-1997 27-11-1997	

## INTERNATIONAL SEARCH REPORT

Information on patent family members

Int'l Application No

PCT/US 00/02244

Patent document cited in search report	Publication date	Patent family member(s)		Publication date
EP 0813302 A	17-12-1997	JP	9331266 A	22-12-1997
DE 19621424 A	04-12-1997	NONE		
WO 9508226 A	23-03-1995	CA	2106222 A	16-03-1995
		AT	153201 T	15-05-1997
		AU	679260 B	26-06-1997
		AU	7649594 A	03-04-1995
		BR	9407697 A	04-02-1997
		DE	69403222 D	19-06-1997
		DE	69403222 T	11-09-1997
		DK	719482 T	03-11-1997
		EP	0719482 A	03-07-1996
		ES	2102879 T	01-08-1997
		GR	3024410 T	28-11-1997
		JP	9511364 T	11-11-1997
		NZ	273262 A	22-09-1997
		US	6016158 A	18-01-2000
US 5794164 A	11-08-1998	AU	691434 B	14-05-1998
		AU	1125997 A	19-06-1997
		AU	718236 B	13-04-2000
		AU	7852898 A	01-10-1998
		CA	2211660 A	05-06-1997
		EP	0804351 A	05-11-1997
		JP	11500084 T	06-01-1999
		WO	9719833 A	05-06-1997
		US	6009363 A	28-12-1999
US 5689270 A	18-11-1997	US	5499032 A	12-03-1996
		US	5280295 A	18-01-1994
		US	5173710 A	22-12-1992
		CA	2179169 A	22-06-1995
		AU	665571 B	11-01-1996
		AU	2540292 A	16-03-1993
		CA	2114648 A	04-03-1993
		EP	0598844 A	01-06-1994
		JP	6510120 T	10-11-1994
		WO	9304378 A	04-03-1993
US 5432542 A	11-07-1995	US	5565909 A	15-10-1996

Form PCT/ISA/210 (patent family annex) (July 1992)

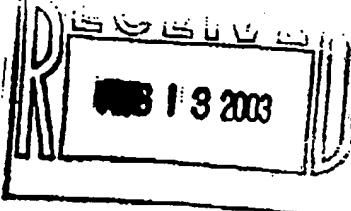
## PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

EXHIBIT  
B

To:  
RICK MARTIN  
PATENT LAW OFFICES OF RICK MARTIN, PC  
416 COFFMAN STREET  
LONGMONT, CO 80501

PCT



## WRITTEN OPINION

(PCT Rule 66)

Date of Mailing  
(day/month/year)

11 AUG 2003

Applicant's or agent's file reference		REPLY DUE
RM540A		within 2 months/days from the above date of mailing
International application No.	International filing date (day/month/year)	Priority date (day/month/year)
PCT/US02/05039	20 February 2002 (20.02.2002)	20 February 2001 (20.02.2001)
International Patent Classification (IPC) or both national classification and IPC		
IPC(7): H04B 1/18 and US Cl.: 455/154.1, 132, 156.1, 158.1, 186.1, 161.1		
Applicant		
ELLIS, CARON S.		

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:

- I  Basis of the opinion
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.

For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.

For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 20 June 2003 (20.06.2003).

Name and mailing address of the IPEA/US

Mail Stop PCT, Attn: IPEA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Facsimile No. (703)305-3230

Form PCT/IPEA/408 (cover sheet)(July 1998)

Authorized officer

Edward Urban

Telephone No. (703)-305-4385

## WRITTEN OPINION

International application No.

PCT/US02/05039

## I. Basis of the opinion

## 1. With regard to the elements of the international application:\*

the international application as originally filed

the description:  
pages 1-52, as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_

the claims:  
pages 53-62, as originally filed  
pages NONE, as amended (together with any statement) under Article 19  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_

the drawings:  
pages 1-42, as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_

the sequence listing part of the description:  
pages NONE, as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

the language of publication of the international application (under Rule 48.3(b)).

the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

contained in the international application in printed form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4.  The amendments have resulted in the cancellation of:

the description, pages NONE

the claims, Nos. NONE

the drawings, sheets/fig NONE

5.  This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

## WRITTEN OPINION

International application No.  
PCT/US02/05039

## V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. STATEMENT

Novelty (N)	Claims 1-58	YES
	Claims NONE	NO
Inventive Step (IS)	Claims 39-43, 47-48, 51-58	YES
	Claims 1-38, 44-46, 49-50	NO
Industrial Applicability (IA)	Claims 1-58	YES
	Claims NONE	NO

2. CITATIONS AND EXPLANATIONS  
Please See Continuation Sheet

WRITTEN OPINION

International application No.  
PCT/US02/05039

## Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

## TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

## V. 2. Citations and Explanations:

- Claims 1-5 lack an inventive step under PCT Article 33(3) as being obvious over Logan et al. (US 6,088,455) in view of Volkel (6,134,426).

Regarding claim 1, Logan et al. (also as Logan in below) discloses an apparatus for processing multiple radio signals of the broadcast program (abstract) for reproducing the audio program segment (title, abstract, their claims 1-9).

Logan discloses a radio receiver module 12 (figure in cover page, col. 4, lines 52-65).

Logan discloses the storage module (memory of data processor 16, col. 6, lines 27-29, the cassette 20, col. 6, line 60 to col. 7, line 38).

Logan discloses a control module (data processor 16, digital processor 14, figure I cover page, col. 5, line 57 to col. 6, line 8; col. 6, lines 24-50).

Logan discloses a programmable selection scheme to control functions including received radio signal, stored radio signals, and an output speaker 15 for the replayed, analyzed, identified program segment from selectively reproducing means (col. 16, lines 22-26).

Logan discloses the user can select portion of a stored radio signal from the segment storage means (col. 16, lines 14-17) for output, selectively replay (their claim 9).

In the above, it does not clearly indicate the simultaneously processing and storing the received signal.

Volkel teaches the simultaneously processing and storing the received signal (abstract, figure in cover page, Fig. 1-3), having receivers 2, 16, control unit 7, and database memory 10, for selectively call the desired station based on the stored criteria to reproduce radio signal (abstract; col. 4, lines 49-58; col. 7, lines 22-32; col. 2, line 47 to col. 3, line 30). Volkel teaches the receivers 2, 16 for call the desired stations based on the stored criteria from the user (abstract), such that user can efficiently receive the desired broadcast program.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

WRITTEN OPINION

International application No.  
PCT/US02/05039

## Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

invention, to modify Kibayashi, and to include Volkels receivers 2, 16 for calling the desired stations, such that user can efficiently receive the desired broadcast program. Regarding claim 2, referring to Logan for the speaker 15 for the output from a sound generating device.

Regarding claim 3, referring to Logan above for the output replay from storage means.

Regarding claim 4, referring to Logan above for the user selectable output of a previously stored portion of radio signal.

Regarding claim 5, referring to Logan above for the selecting received signals based on pre-selected, identified segment portion.

2. Claims 6-8 lack an inventive step under PCT Article 33(3) as being obvious over Logan in view of Volkels, and further in view of Matthews (US 4,682,370).

In the above, it does not clearly indicate the selecting based on time of output algorithms.

Regarding claim 6, Matthews teaches the--

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kibayashi above, and to include Matthews' --

Regarding claim 7, referring to Matthews' claims 1, 20, above for the scanning each signal for storing, and Volkels receivers 2, 16 above.

Regarding claim 8, referring to Volkels for the user input rotating element for storing table of user listening preference.

3. Claims 9-11 lack an inventive step under PCT Article 33(3) as being obvious over Logan in view of Volkels, and further in view of Mankovitz (US 5,119,507).

In the above, it does not clearly indicate recognition module to recognize an imbedded code in the received signal.

Regarding claim 9, Mankovitz teaches the above imbedded code starting of message SOM and end of message EOM (as shown in col. 8, lines 23-49; col. 11, lines 21-32) for the identified music selecting (abstract). Mankovitz teaches the display album data of the identified music program for storing and reproducing (abstract, Fig. 1-8, their claims 1, 7, 2, 14-19; deleting in claims 25, 42; reproducing/recalling in claims 1, 29, 39, 48). Mankovitz teaches an efficient method for recalling identified program to be played at a later time (col. 1, lines 41-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kibayashi above, and to include Mankovitz's efficient method for identified and storing the program, such that user can recall identified program to be played at a later time.

Regarding claim 10, referring to Mankovitz above for the storing of preferences from imbedded code for listen.

Regarding claim 11, referring to Mankovitz above for the imbedded signature code SOM code word to recognize the radio signal.

4. Claims 12-19 lack an inventive step under PCT Article 33(3) as being obvious over Logan in view of Volkels, and further in view of Kwoh et al. (WO 00/45,511).

In the above, it does not clearly indicate communication module.

Regarding claim 12, Kwoh et al. (also as Kwoh in below) teaches the cellular telephone is integrated to the on-demand radio ODR system (abstract, figure in cover page) for the personalized audio information message and user interfaces for selecting particular radio program content (abstract, summary of invention, Fig. 1-23). Kwoh teaches the such that the customizing programming content for user (page 2, lines 32 to page 3, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kibayashi above, and to include Kwoh's efficient way for customizing program, such that user can select their desired program efficiently.

Regarding claim 13, referring to Kwoh above for the telephone receiver, the audio output.

Regarding claim 14, referring to Kwoh above for the receiving a personal message address to user for a personalized audio message.

Regarding claim 15, referring to Kwoh above for the send a message via cellular telephone

WRITTEN OPINION

International application No.  
PCT/US02/05039Supplemental Box  
(To be used when the space in any of the preceding boxes is not sufficient)

1350.

Regarding claim 16, referring to Mankovitz above for the history tracking.  
 Regarding claim 17, referring to Kwoh above for the communication module and program selecting for personalized, customized, program selection.  
 Regarding claim 18, referring to claims 1-12 above, for the control module, the user's preference scheme.  
 Regarding claim 19, referring to claims 1-12 above, for the separate a vocal, audio sound, portion from instrument portion for display the album data.

5. Claims 20-38, 44-46, 49-50, lack an inventive step under PCT Article 33(3) as being obvious over Logan in view of Volkel, and further in view of Kwoh.

Regarding claim 20, referring to claims 1-12 above, for radio receiver; a storage module; a user input module.

Regarding claim 21, referring to claims 1-12 for the radio receiver; a storage module; a recognition module.

Regarding claim 22, referring to claims 1-12 for the radio receiver; a storage module; a communication module; audio output.

Regarding claim 23, referring to claims 1-12 for the radio receiver; a storage module; a communication module, personal message (Kwoh).

Regarding claim 24, referring to claims 1-12 for the radio receiver; a storage module; a communication module, transmitter for sending a message.

Regarding claim 25, referring to claims 1-12 for a radio receiver; a storage module; a communication module, history tracking means.

Regarding claim 26, referring to claims 1-12 for a radio receiver; a storage module; a communication module, user preference scheme means to provide an output.

Regarding claim 27, referring to claims 1-12 for the means for simultaneously receiving radio signals; means for storing; means for converting; means for outputting; means for controlling the storing; means for allowing user to control; the at same time previously stored data is converted to output.

Regarding claim 28, referring to claims 1-12, 27 above for the simultaneously receiving radio signals; means for storing; means for converting; means for outputting; means for controlling the storing; means for allowing user to control; the at same time previously stored data is converted to output.

Regarding claim 29, referring to claims 1-12, 27 above for the simultaneously receiving radio signals; means for storing; means for converting; means for outputting; means for controlling the storing; means for allowing user to control; the at same time previously stored data is converted to output.

Regarding claim 30, referring to claims 1-12, 27 above for the simultaneously receiving radio signals; means for storing; means for converting; means for outputting; means for controlling the storing; means for allowing user to control; the at same time previously stored data is converted to output.

Regarding claim 31, referring to Kwoh and Logan above for the cassette 1320, 20 for playing, skipping back in time; forward in time; reversing.

Regarding claim 32, referring to claims 1-12 for the recording for later playback.

Regarding claim 33, referring to claims 1-12 for the favorite desired personalized station.

Regarding claim 34, referring to claims 1-12 for the continuing storing and outputting audio.

Regarding claim 35, referring to claims 1-12 for the playing from scanning.

Regarding claim 36, referring to claims 1-12 for the listen prior to the time.

Regarding claim 37, referring to claims 1-12 for the identifying an item in the content.

Regarding claim 38, referring to claims 1-12 for the identification code word SOM.

Regarding claim 44, referring to claims 1-12 for the recommended radio stations in user memory.

Regarding claim 45, referring to claims 1-12 for the local event of interest from Kwoh.

Regarding claim 46, referring to claims 1-12 for the two-way communication device.

Regarding claim 49, referring Kwoh above for the cellular telephone function.

Regarding claim 50, referring to claims 1-12, for the radio receiver; a memory; a communication device; a digital to analog converter (Mankovitz); a audio output speaker.

WRITTEN OPINION

International application No.  
PCT/US02/05039

## Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

- 6. Claims 39-43, 47-48, 51-58 meet the criteria set out in PCT Article 33(3), inventive step, because the prior art does not teach or fairly suggest in combination for recognizing the item of audio content using a signature; allowing user to rate the audio item; supplying audio based on user rating; downloading audio signature and send to another user; displaying song lyrics; storing received input at the same time converting previously stored audio; user input configuration based on received information; sending message to another person; recommendation engine; second radio system; reporting usage of the radio features.
- 7. Claims 1-58 meet the criteria set out in PCT Article 33(2), novelty, because the prior art does not teach or fairly suggest the novelty for: the at least two receivers for simultaneously storing portion of the desired audio program to storage for recall, replaying; the storing of the portion of the audio program based on the user previously stored audio portion; the control module having programmable selection scheme; the telephone communication module; the recognizing the item of audio content using a signature; allowing user to rate the audio item; supplying audio based on user rating; downloading audio signature and send to another user; displaying song lyrics; storing received input at the same time converting previously stored audio; user input configuration based on received information; sending message to another person; recommendation engine; second radio system; reporting usage of the radio features.
- 8. Claims 1-58 meet the criteria set out in PCT Article 33(4), industrial applicability, because the claimed features are useful for the industrial applications for the at least two receivers for simultaneously storing portion of the desired audio program to storage for recall, replaying; the storing of the portion of the audio program based on the user previously stored audio portion; the control module having programmable selection scheme; the telephone communication module; the recognizing the item of audio content using a signature; allowing user to rate the audio item; supplying audio based on user rating; downloading audio signature and send to another user; displaying song lyrics; storing received input at the same time converting previously stored audio; user input configuration based on received information; sending message to another person; recommendation engine; second radio system; reporting usage of the radio features.

## NEW CITATIONS

- US 6,134,426 A (VOLKEL) 17 OCTOBER 2000, abstract, Fig. 1-3; col. 4, lines 49-58; col. 7, lines 22-32; col. 2, line 47 to col. 3, line 30.
- US 4,682,370 A (MATTHEWS) 21 JULY 1987, abstract, Fig. 1-7; col. 12, line 60 to col. 13, line 15; col. 14, line 31-55.
- US 5,119,507 A (MANKOVITZ) 2 JUNE 1992, abstract, Fig. 1-8; col. 1, lines 10-12; col. 8, lines 23-49; col. 17, line 62 to col. 24, line 50.

M  
EXHIBIT  
C

PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
RICK MARTIN  
PATENT LAW OFFICES OF RICK MARTIN, PC  
416 COFFMAN STREET  
LONGMONT, CO 80501

PCT

NOTIFICATION OF TRANSMITTAL OF  
INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing  
(day/month/year)

08 FEB 2004

Applicant's or agent's file reference

IMPORTANT NOTIFICATION

RM540A

International application No.

PCT/US02/05039

International filing date (day/month/year)

20 February 2002 (20.02.2002)

Priority date (day/month/year)

20 February 2001 (20.02.2001)

Applicant

ELLIS, CARON S.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

**4. REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US  
Mail Stop PCT, Attn: IPEA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
Facsimile No. (703)305-3230

Authorized officer  
*Edward Urban*  
Edward Urban  
Telephone No. (703)-305-4385

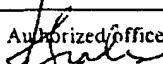
# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

#### (PCT Article 36 and Rule 70)

Applicant's or agent's file reference		FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
RM540A International application No.		International filing date (day/month/year)	Priority date (day/month/year)
PCT/US02/05039		20 February 2002 (20.02.2002)	20 February 2001 (20.02.2001)
International Patent Classification (IPC) or national classification and IPC IPC(7): H04B 1/18 and US Cl.: 455/154.1, 132, 156.1, 158.1, 186.1, 161, 1			
Applicant ELLIS, CARON S.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>2</u> sheets.</p> <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the report</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input type="checkbox"/> Certain documents cited</li> <li>VII <input type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul>			

Date of submission of the demand	Date of completion of this report
18 September 2002 (18.09.2002)	15 December 2003 (15.12.2003)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	<p>Authorized Officer  Edward Urban</p> <p>Telephone No. (703)-305-4385</p>

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US02/05039

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

the international application as originally filed.

the description:  
pages 1-52 as originally filed  
pages None, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_

the claims:  
pages 53-62 as originally filed  
pages 53-60, as amended (together with any statement) under Article 19  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_

the drawings:  
pages 1-42 as originally filed  
pages None, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_

the sequence listing part of the description:  
pages NONE, as originally filed  
pages None, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

the language of publication of the international application (under Rule 48.3(b)).

the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

contained in the international application in printed form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4.  The amendments have resulted in the cancellation of:

the description, pages None

the claims, Nos. 50, 51, 56, 58

the drawings, sheets/fig None

5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US02/05039

## V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. STATEMENT

Novelty (N)	Claims <u>1-49, 52-55, 57</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-49, 52-55, 57</u>	YES
	Claims <u>None</u>	NO
Industrial Applicability (IA)	Claims <u>1-49, 52-55, 57</u>	YES
	Claims <u>NONE</u>	NO

## 2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US02/05039**Supplemental Box**  
(To be used when the space in any of the preceding boxes is not sufficient)**V. 2. Citations and Explanations:**

1. Claims 1-49, 52-55, 57 meet the criteria set out in PCT Article 33(3), inventive step, for the reasons set out in applicant's Remark (page 2, second paragraph) that the prior arts do not teach or fairly suggest the simultaneous storing of the radio signal from broadcast station, for the at least two radio receivers (Fig. 1) capable of continuously receiving a separate unrelated radio signal, a storage to simultaneously store radio signals. The cited closest prior arts, Logan et al. and Volkel do not teach the simultaneously storing of the radio signals from two receivers.

Other cited reference, Kwoh-'511, teaches the cellular telephone is integrated to the on-demand radio ODR system (abstract, figure in cover page) for the personalized audio information message and user interfaces for selecting particular radio program content (abstract, summary of invention, Fig. 1-23). Kwoh teaches the such that the customizing programming content for user (page 2, lines 32 to page 3, line 4). Kwoh does not teach the simultaneously storing of the radio signals from two receivers.

Cited reference, Mankovitz-'507, teaches the imbedded code starting of message SOM and end of message EOM (as shown in col. 8, lines 23-49; col. 11, lines 21-32) for the identified music selecting (abstract). Mankovitz teaches the display album data of the identified music program for storing and reproducing (abstract, Fig. 1-8, their claims 1, 7, 2, 14-19; deleting in claims 25, 42; reproducing/recalling in claims 1, 29, 39, 48). Mankovitz does not teach the simultaneously storing of the radio signals from two receivers.

2. Claims 1-49, 52-55, 57 meet the criteria set out in PCT Article 33(2), novelty, because the prior art does not teach or fairly suggest the novelty for: the at least two receivers for simultaneously storing portion of the desired audio program to storage for recall, replaying; the storing of the portion of the audio program based on the user previously stored audio portion; the control module having programmable selection scheme; the telephone communication module; the recognizing the item of audio content using a signature; allowing user to rate the audio item; supplying audio based on user rating; downloading audio signature and send to another user; displaying song lyrics; storing received input at the same time converting previously stored audio; user input configuration based on received information; sending message to another person; recommendation engine; second radio system; reporting usage of the radio features.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US02/05039

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

3. Claims 1-49, 52-55, 57 meet the criteria set out in PCT Article 33(4), industrial applicability, because the claimed features are useful for the industrial applications for the at least two receivers for simultaneously storing portion of the desired audio program to storage for recall, replaying; the storing of the portion of the audio program based on the user previously stored audio portion; the control module having programmable selection scheme; the telephone communication module; the recognizing the item of audio content using a signature; allowing user to rate the audio item; supplying audio based on user rating; downloading audio signature and send to another user; displaying song lyrics; storing received input at the same time converting previously stored audio; user input configuration based on received information; sending message to another person; recommendation engine; second radio system; reporting usage of the radio features.

----- NEW CITATIONS -----

NONE

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**